

Pima County Juvenile Court



Family Law Protocol

Table of Contents

- I. Document Management and Minute Entry Protocol
 - A. Consolidation Overview
 - B. Confidential v. Public Documents
- II. Two Primary Scenarios When SP/D Orders Will Resolve Dependency
 - A. Steps To Take If No Existing SP/D Case and Family Law Orders Will Resolve Dependency
 - B. Steps To Take Once Pima County SP/D Case Exists and Family Law Orders Will Resolve Dependency
- III. Issuance of Family Law Orders
 - A. Stipulation by Parties
 - B. Only One Parent Involved and Actively Participating in Dependency
 - C. If Parties Unable to Resolve Issues Through Mediation
 - D. Setting Status Conferences/Child Support Hearings Downtown
 - E. Default
- IV. Close Out/Unconsolidation Procedures
- V. Notification of Family Court of Termination of the Parental Rights of a Party
- VI. Clerk's Office / Document Filing
- VII. Attachments/Resources and Forms

Preface

The Pima County Juvenile Court Family Law Protocol (hereinafter "Protocol") was developed to address issues arising at the intersection of family and juvenile court and to facilitate case coordination when family law orders will resolve a dependency. This Protocol addresses how to create accurate and complete legal records and establishes guidelines to streamline and coordinate case management and judicial communication in consolidated cases. Our Protocol committee was intentionally formed to ensure that we best serve families appearing in juvenile court and family court, and to establish clear procedures and support coordination and communication among judges on both benches, attorneys, juvenile court mediators, conciliation court personnel, and the Clerk of the Court's office. This committee has painstakingly worked over multiple years to complete and refine this Protocol. The Protocol was developed with thoughtful and much appreciated input from the following: members of both the family and juvenile benches; Pima County Juvenile Court Mediation Program; Family Center of the Conciliation Court; Clerk of the Court; and representatives from Office of Children's Counsel, Public Defender's Office, Legal Defender's Office, Contract Counsel, Office of Court Appointed Counsel, and the Attorney General's Office.

A version of this document will be available on the PCJCC Website and the full document with attachments will be available on the Intranet. The Protocol will be kept current through periodic review.

I. Document Management and Minute Entry Protocol

A. Consolidation Overview:

1. Dependency (JD) and family law cases (Special Paternity (hereinafter “SP”) and Dissolution of Marriage (hereinafter “D”) involving the same parties **must** be consolidated by the juvenile court upon dependency adjudication to prevent conflicting orders. P.C. Local Rule 6.2(B). Cases **may, after careful consideration and when appropriate**, be consolidated pre-adjudication. When consolidated, it is for hearing purposes only and each physical legal file remains separate.
2. If juvenile court judge conducts a hearing and/or makes findings or issues orders in a family law case, they must first consolidate the cases, and any family law orders must be issued before the cases are unconsolidated and before dismissal of the dependency. NOTE: Juvenile court judge may *sua sponte* order consolidation pursuant to P.C. Local Rule 6.2(A).
3. If the family court judge needs to address an issue in a family law case that has been consolidated, they can communicate with the juvenile court judge and request that the entire case or certain proceedings thereof be unconsolidated to address limited appropriate issues in the family law matter. P.C. Local Rule 6.2(E); ARFLP Rule 5.1(a)(2); Rule 323 Ariz. R. Juv. P. (effective July 1, 2022).
4. Consolidated juvenile and family law cases will appear on either AGAVE or on the “pending” or “active” family law case reports with an event type of “Stay-Appeal/Exec/Proceedings/Order.” This is an administrative stay of the family law case in the case management services system only and is to prevent the consolidated family law case from being dismissed from the inactive calendar during the period the juvenile court case is pending.
5. Absent unusual circumstances, family law cases are not consolidated with private severances until after private severances are set for trial, and then only if deemed appropriate by the assigned trial division.
6. If a third-party or grandparent requests custody or visitation pursuant to ARS § 25-409, these cases should generally not be consolidated and should be resolved by the family law division. Rationale:

Pima County Local Rule 6.2 (A): a pending family law proceeding may be consolidated with a dependency, guardianship, or private severance proceeding if they involve the “same parties.” Often, the two cases may not involve the same parties. Moreover, third-party rights cases are infrequently dealt with in juvenile court and

often are best resolved by those having greater familiarity with the associated case law, rules of procedure, and statutory authority.

7. The court may not consolidate order of protection cases with family law cases. ARFLP, Rule 5(a)(4).
8. To consolidate cases, ORDER: “**IT IS ORDERED** consolidating SP/D # _____ with JD # _____ for hearing purposes only.”
9. Distribution Lists: When consolidating or un-consolidating cases, include “Consolidation Clerk–Juvenile Court” in the document distribution list. Once consolidated, the consolidation clerk is to be removed from the distribution list.

B. Confidential v. Public Documents:

1. Family law files (SP/D) are public, while dependency files (JD) are confidential under A.R.S. Title 8. To maintain this confidentiality, do not include in any family law minute entry order (hereinafter “MEO”): a) any reference to the JD number (reference only the numerical portion of the JD case number (i.e. JD20170001 becomes 20170001) or b) any information indicating the family is involved in a dependency case.
2. JD minute entry orders (MEO), proposed orders, motions, and other pleadings should **not** list both the SP or D case number and the JD number in the caption or document, as listing both in the caption will cause the document to be filed in both the family law and the dependency files, and listing both within the body of the SP/D document violates the confidentiality requirements of Title 8.
3. The Assistant Attorney General, Department of Child Safety (hereinafter “DCS”) caseworkers, child/ren’s attorney, and the contract attorneys shall NOT be listed on the family law distribution list. However, their names and appearances may be noted in the SP/D MEO.

II. Two Primary Scenarios When SP/D Orders Will Resolve Dependency

Assessment of whether family law orders are necessary for final resolution of the dependency case should begin early in the case and continually be reassessed to prevent delay in final resolution of the case. See Attachment A: “When Family Law Orders Necessary to Dismiss Dependency.”

Do not automatically consolidate cases pre-adjudication. Absent extraordinary circumstances, if pre-adjudication only consolidate cases if necessary to establish paternity and/or legal decision-making/parenting time orders in family law cases with no prior orders, and immediately ensure parties attend parenting plan mediation prior to the family law hearing. If the JD case is pre-adjudication status, post-dissolution decree or post-final order SP modifications not resolved in mediation should generally be

resolved by the family law division without case consolidation. Consolidation of cases is required post-adjudication, but the juvenile judge may unconsolidate if appropriate to allow parenting time, legal decision-making, and/or child support to be resolved in the appropriate division downtown. P.C. Local Rule 6.2(B) and (E).

Two primary scenarios are shown below:

Section A: No existing SP/D case and parenting time and/or legal decision-making orders and/or paternity order will resolve dependency.

Section B: Pima County SP/D case exists and paternity order and/or parenting time and/or legal decision-making orders will resolve dependency.

A. Steps to take if no existing SP/D case:

1. Attorneys: Order the attorney(s) for the parents in JD case to provide assistance as required through the OCAC contract:
 - a. “IT IS ORDERED the attorney for mother/father/parents is/are to assist the parent in the independent family law matter by providing services to support resolution of legal decision-making and parenting time issues and shall be compensated for reasonable and necessary time spent providing such services (up to five hours), to be compensated at their contract rate by the Office of Court Appointed Counsel. This order does not impose the responsibilities of attorney of record in the independent family law matter.”
 - i. Counsel are not appointed to appear as counsel of record in the independent family law matter and shall not appear at any scheduled mediation in the independent family law matter, unless counsel assisting the parents both agree to attend the session.
2. Initiating a Family Law Case:
 - a. If no SP or D case exists and both parents present at the PPH (or a subsequent hearing), the attorneys assisting will provide the parent(s) with either:
 - i. Acknowledgement of paternity form to establish paternity and obtain SP number; See Attachment C: “Acknowledgement of Paternity Form”, **OR**
 - ii. [A Petition to Establish Paternity](#) (Online Packet #18) for never-married parents when legal decision-making and/or parenting time orders are needed. If the parties agree, packet #18 has a section where the parents may attach an acknowledgement of paternity; **OR**

- iii. [A Divorce with Children Petition](#) (Online Packet #2) for married couples seeking divorce.
- b. Order the attorney(s) to assist the parent(s) in obtaining and completing an acknowledgement of paternity form, and/or Packet #18 (paternity), or Packet #2 (divorce), and all the pleadings needed to secure appropriate orders. Order: **“IT IS ORDERED parent _____ shall file an action to obtain legal decision-making/parenting time and/or paternity by _____ (date), and attorneys for parents shall provide parent(s) with packet ____, and information and support to parents to effectuate service of process.”**¹
 - i. ENCOURAGE ACCEPTANCE OF SERVICE through [online packet #21 \(for never-married parents\)](#) or [packet #10 \(for married couples seeking divorce\)](#) and order attorney(s) to provide parent with packet and to facilitate acceptance of service, if appropriate.
 - c. At the next hearing, determine if the SP/D petition was filed and served. If the next hearing is too distant in time, consider setting an earlier non-appearance hearing to follow-up with the parent’s SP/D filing compliance. NOTE: The concern is that one parent may disengage from the proceedings prior to establishing paternity or obtaining necessary parenting time orders.

B. Steps to take once Pima County SP/D case exists and if family law orders will resolve dependency:

- 1. **Issue Orders for Attorney Assistance**, if not previously completed.
 - a. Order the attorney(s) for the parents in JD case to provide assistance in family law case as required through the OCAC contract: See II A1(a) above.
- 2. **Address Paternity**: Have the attorney(s) inform the judge definitively when and how paternity was established for family law case purposes. If establishment of paternity is

¹ Application and Order for Deferral of Court Fees and Costs may be submitted to court in family law case. If the parent qualifies, grant the waiver or deferral of fees, as appropriate. If the parent has sufficient income, deny the deferral and waiver of fees.

If the court defers fees, order a minimal payment schedule, for example: \$30.00 per month. Less than \$25.00 per month not recommended because not cost effective for county. See ARS § 12-302(L). See [Online Packet #12: “Application for Deferral Waiver Affidavit and Order.”](#)

The form also provides the judge the ability to waive or defer the fee for the Microsoft Teams or online Domestic Relations Education Class (hereinafter “DREC”) provided by Conciliation Court. A parent needs a receipt number issued by the Clerk’s office to register for the DREC, and will receive the receipt number even if the parent receives a fee waiver or deferral. If the judge grants the fee waiver or deferral at a hearing such that the waiver/deferral is identified only in the Minute Entry, then the party will need to take that Minute Entry to the Clerk’s Office downtown and have a receipt generated.

all that is necessary to dismiss dependency and issue of paternity is uncontested, order attorneys provide to parents Acknowledgement of Paternity form and assist parents to establish paternity, or consolidate cases and call unscheduled hearing in SP/D case and elicit parties' testimony under oath and enter paternity order. See Attachment C "Acknowledgement of Paternity" or Attachment D "Paternity Script."

3. Address Domestic Relations Education Class:

- a. Confirm that both parties have completed the mandatory Domestic Relations Education Class (DREC). *See* ARS §§ 25-351 through 25-355. **Court may sua sponte waive requirement that one or both parents attend DREC** pursuant to A.R.S. Section 25-352(A)(1) if it **FINDS** "that participation is not in the best interest of the parties or the child" and orders waiver.
- b. If one or both of parents have not completed the DREC and judge does not waive requirement:
 - i. Provide each parent required to take the class with telephone number to sign up for the class: (520)724-5590. Attachment E: "Important Notice for Parents of Minor Children."
 - 1) An Arizona out-of-county parent may take the DREC in their own county, but it must be a DREC program that has been approved by that county's superior court. The certificate of completion must be filed with the Pima County Superior Court Clerk's Office at 110 W. Congress, Tucson, AZ 85701.
 - ii. Order the parent(s) who have not completed the DREC² to complete within 30 days and prior to scheduled mediation. Although pre-adjudication parenting plan mediations **do not** require a parent to complete the DREC prior to attending, it is ideal if they are able to do so.

4. Address Mediation Requirement.

- a. **Pre-Adjudication Parenting Plan Mediation Requirements:** These cases do not need a SP/D case in advance to schedule the Parenting Plan Mediation, although it can be helpful. Pre-adjudication mediation to be scheduled only if the **parenting plan agreement would resolve the need for dependency without an adjudication.**
 - i. Due to the time sensitive nature of a pre-adjudication case, the following requirements **do not** need to be completed prior to scheduling or holding a

² Proof of completion of DREC can be confirmed in the court file in the D/SP case for each parent.
PCJCC Family Law Protocol

parenting plan mediation session: child placement with parent; SP/D case filing and/or consolidation; or completion of the Domestic Relations Education Class.

b. Post-Adjudication Parenting Plan Mediation Requirements:

- i. Consolidation: An SP/D case must exist and must be consolidated with open JD case. If a parenting plan mediation is scheduled in the absence of a SP/D case, the mediation will be vacated.
 - 1) Order cases consolidated. See I(A)(8) above.
 - 2) If multiple SP cases exist with the same mother and father, consolidate those SP cases into the lowest SP case number. *See* ARFLP, Rule 5(b).
- ii. A child in the case must be placed with at least one parent before setting the mediation.
- iii. At a minimum, and prior to commencement of the parenting plan mediation, the parent with whom the minor has been placed must have **completed** the required DREC, or the Court waived the requirement for that parent.
 - 1) Note: If a parent(s) has/have not previously completed the Domestic Relation Education Class, if appropriate the Court may make a finding waiving the requirement. See Section II(B)(3)(a) above.
 - 2) For post-adjudication parenting plan mediations only, schedule a non-appearance status hearing in approximately 35 days to monitor the parents' compliance. At non-appearance, check SP/D file to determine if parent(s) "Notice of Completion" certification is in file. If not in the file, call Conciliation Court at 724-5590 to see if it has indeed been completed and not yet reflected in the file.
 1. If, at the time of the non-appearance status hearing, no parent completed the DREC, then the post-adjudication parenting plan mediation must be vacated to recapture the time set aside for use with another family. Vacate the Parenting Plan Mediation in AGAVE and issue an In Chambers Order Vacating Parenting Plan Mediation. The Order has information for the parties about how to reset the mediation once the parents are compliant with the DREC. See Attachment F: "In Chambers Order Vacating Parenting Plan Mediation."

2. If, at the time of the non-appearance hearing, the parent with whom the minor is placed has completed the DREC, then the mediation can go forward as scheduled. However, consider some response regarding the non-compliant parent, such as denying that party relief pursuant to A.R.S. § 25-353 and/or ordering the non-compliant parent to complete the DREC within 30 days.

c. Scheduling a Parenting Plan Mediation Session:

- i. Mediation sessions can be requested by the parties, attorneys, or the judge at a hearing, or by self-referral.
- ii. If scheduled at a hearing:
 - 1) Follow Parenting Plan Mediation Script. See Attachment G, “Parenting Plan Mediation Script.”
 - 2) For post-adjudication parenting plan mediation, schedule the mediation no less than 60 days from the date of the hearing to allow time for the parents to complete the DREC requirement.
- iii. Schedule the session for no less than two hours (for cooperative parents with no other issues). NOTE: Consider scheduling additional time if there are other issues either between the parents or in the case that would indicate more time could be needed (e.g. incarcerated parent; interpreter needed; particularly contentious parents; divisive issues; etc.).
- iv. **ORDER** detailed position statements from the Department and child/ren’s attorney, and order that they be submitted to the assigned mediator **not less than 5 business days prior to the session**. Law clerk/bailiff provides the position statement sheet to the assistant attorney general and the child/ren’s attorney. See Attachment H, “Position Statement for Parenting Plan.” NOTE: Positions statements should not be filed with the clerk.

5. Post-Session Mediation Program Responsibilities:

- a. If one parent fails to complete the DREC and the parents agreed to joint legal decision-making in a parenting plan mediation session, the mediator shall notify the juvenile court judge’s JAA to schedule a non-appearance hearing for the judge to follow-up on the other parent’s completion of the DREC, and thereafter for the juvenile court judge to take any further action necessary and appropriate regarding the parents’ joint legal decision-making agreement. 25-403A(10): Court must

consider whether parent has completed DREC in determining legal decision-making and parenting time.

- b. If the parents reach an agreement in the parenting plan mediation session, the mediation program will submit the original parenting plan agreement, and a family law form of Order Approving Parenting Plan to the assigned juvenile court division. The division will manage completion and filing of the original parenting plan in the SP/D case as well as the family law order. See Attachment I, “Parenting Plan Order (FLAW Order Template).”
 - i. The mediation program will also file an Outcome Report, with a copy of the parenting plan as an attachment, in the JD case. This is to ensure all parties in the JD case get the proper notification of the agreement reached by the parents.
 - ii. NOTE: If the parenting plan is developed pre-adjudication with the intent to resolve the dependency, and there is no SP/D case yet filed, the mediation program will indicate there is no SP/D case number by making a note on the Memo to the Judge that is sent to chambers with the original parenting plan and the FLAW Order Template. The mediation program will also indicate in the JD Outcome Report that there is no SP/D case number. Court cannot adopt orders in SP/D case until case number exists and cases are consolidated.
- c. If the parents do NOT reach an agreement in the parenting plan mediation session, the mediation program will file an Outcome Report in the JD case that will include whatever information the parents agree can be disclosed. If the session is scheduled but not held, the Outcome Report will indicate the session was not held.

III. Issuance of family law orders:

Final orders are strongly preferred over temporary orders in SP/D cases, as parties often fail to complete required steps to obtain permanent orders following completion of temporary orders, resulting in dismissal of family law case from inactive calendar and temporary orders are then vacated. **Any time a judge enters a final parenting time and/or legal decision-making order, the judge should ensure the order references ARFLP Rule 78(b) or 78(c), as appropriate, which will prevent the order from being dismissed.** A.R.S. 25-404(A) and (C); A.R.S. 25-817(C).

The following are various avenues for resolution of family law matters through issuance of final court orders.

A. Stipulation by Parties (reached through or outside of mediation):

1. Order cases consolidated, if not previously ordered. See I(A)(8) above.
2. If SP case, ensure paternity order is included or was previously ordered. Mediation program will have parties execute stipulation regarding paternity if agreed upon and if not previously established through court order.
3. In all cases, review and, if appropriate, sign the:
 - a. FLAW Order approving the Parenting Plan provided by mediation. Or, can defer issuing order to time of next dependency review hearing to obtain more information regarding parties' positions. See Attachment I: "Parenting Plan Order (FLAW Order Template)."
 - b. **Child Support Reminder: Every parenting plan order entered, whether original or modified, requires the court to determine an amount of child support. See ARS § 25-403.09(A).** ARFLP Rule 47(c)(3) provides "court must determine an amount of child support" for any temporary parenting time hearing entered under Rule 47.
 - i. If submitted and appropriate, sign child support worksheet, child support order, and Income Withholding Order. If not submitted, set child support status hearing as set forth below. If court enters a final parenting and legal decision-making order but does not resolve child support, **judge must check box on FLAW Order template (Attachment I) ordering final judgment pursuant to Rule 78(b) and noting unresolved issue is child support.**
 - ii. In all SP cases (whether IV-D or not), where a final order is issued for parenting time and legal decision-making, the Court shall:
 - 1) Schedule a thirty-minute status hearing to address child support in IV-D division on a date and time approved by the IV-D division's JAA. **NOTE: As a matter of professional courtesy and for calendar management, do not schedule matters on downtown judge's calendar without approval of date/time in advance through the division's JAA or judge.** The juvenile court's courtroom clerk cannot calendar on AGAVE for any downtown divisions. Therefore, the IV-D division must set the hearing. The juvenile court's courtroom clerk can include the date in the family law minute entry, however.
 - 2) Issue ORDER in SP case containing child support status hearing date and ordering parties to attend. If possible, Court shall supply hearing date to parents in open court. Use Attachment J: "Order Setting Child Support Status Hearing."

iii) If the juvenile court judge issues any parenting time/legal decision-making orders in a D case or temporary orders in any SP case, before cases are unconsolidated have JAA in assigned family law division provide a date and time for a thirty minute status hearing in the family law division to address determination of child support, completion of remaining dissolution issues and entry of decree in a D case, or additional scheduling to obtain final orders in an SP case. **Be sure to provide this date to parties on the record, if possible, and to include date, time and location/telephone call-in code of hearing in family law MEO.**

1) Instruct the courtroom clerk to include the 'Clerk's Office Child Support Division' on this MEO distribution.

c. **IMPORTANT:** Obtain current addresses for each party in the SP/D case so the Minute Entry Order (MEO) will be sent to them directly.

4. In JD case:

a. If the Assistant Attorney General and Child/ren's Attorneys agree that the legal decision-making/parenting time order resolves the dependency, ask for a motion to dismiss the dependency when appropriate.

i. Court must enter any appropriate SP/D case orders necessary and unconsolidate cases prior to dismissal of dependency per section IV below.

B. Only One Parent Involved and Actively Participating in Dependency:

If only one parent is involved in the dependency case and paternity has been established, court may order affirming legal decision-making with the involved parent in the SP/D case pursuant to A.R.S. § 25-803(D), which states: "In any case in which paternity is established, the parent with whom the child has resided for the greater part of the last six months, shall have LDM unless otherwise ordered by the court." In consolidated SP/D case, FIND Child(ren) has/have been placed with parent _____ for last six months or greater, and COURT THEREFORE AFFIRMS pursuant to A.R.S. § 25-803(D) that parent ____ has legal decision-making authority for the child(ren) : _____, pending further court order.

C. If Parties are Unable to Resolve Issues through Mediation: Schedule appropriate evidentiary hearing and appoint either counsel for minor or best interest attorney in family law case.

Court should not schedule hearing for legal decision-making, parenting time, and/or child support unless appropriate petition has been filed, as required under ARFLP.

Hearing cannot go forward unless respondent is served with notice of hearing and petition, or if party makes a voluntary appearance pursuant to ARFLP, rule 40(f)(2). Counsel assigned to assist parents in family law cases can and should facilitate service of process through acceptance of service. ARFLP Rule 40(f).

For modification of existing D or SP orders pre- or post-adjudication, or to establish first parenting time orders post-adjudication, there is a strong preference the family law hearing be set in the assigned family law division. This will increase the likelihood the division with prior knowledge of the family, if applicable, will make the determination, and/or will allow judicial officers on the family law bench with ongoing immersion in family law procedural rules and substantive law to resolve family law issues. However, the juvenile judge may elect to retain and resolve the family law parenting time and/or legal decision-making issues, if appropriate.

If parties are unable to resolve necessary issues related to parenting time and/or legal decision-making in mediation, and if the parties filed appropriate pleadings, the court may appoint either counsel or a best interests attorney for the minor(s) in the family law case:

1. If Office of Children’s Counsel represents minor(s) in JD case, in SP/D case make finding: **“THE COURT FINDS** the minor(s) may be the victim of child abuse or neglect as defined in A.R.S. section 8-201, therefore **IT IS ORDERED** that [insert name of attorney for the minor(s) in JD case] is appointed as attorney for the minor(s) in the independent family law matter.” ARFLP, Rule 10(f). See Attachment B: “Order Appointing Attorney/Best Interest Attorney for Minor(s).”
2. If contract counsel represents minor(s) in JD case, in SP/D case make finding: **“THE COURT FINDS** the minor(s) may be the victim of child abuse or neglect as defined in A.R.S. section 8-201, therefore **IT IS ORDERED** that Office of Children’s Counsel is appointed as best interest attorney **OR** attorney for the minor(s) in the independent family law matter.” ARFLP, Rule 10(f). See Attachment B: “Order Appointing Attorney/Best Interest Attorney for Minor(s).”

The Court then can select from the two options below regarding scheduling of the family law hearing:

1. For modification of prior SP/D parenting time orders or for issuance of first parenting time orders post-adjudication: schedule resolution management conference to address legal decision-making and/or parenting time and child support in the assigned family law division, with the family law division’s JAA approving the date and time in

advance. If possible, the juvenile court judge shall supply hearing date to parties in open court.

OR,

2. The juvenile court may elect to retain and resolve the parenting time issues in the SP/D case (preferred for pre-adjudication cases when establishment of paternity and/or issuance of first parenting time orders will resolve need for dependency):
 - a. Confirm a party has filed appropriate pleadings in the family law case requesting orders for parenting time, legal decision-making, etc., and they have served the other party in a method permitted under ARFLP.
 - b. Ensure cases have been consolidated and schedule hearing dates for either temporary or permanent (depending on pleadings filed) parenting time and legal decision-making orders in SP/D case.
 - i. For permanent orders hearing: order pre-trial statements (to include witnesses and exhibits) and completion of a proposed parenting plan ([Online Packet #9](#)).
 - ii. If parties request a temporary orders hearing pursuant to ARFLP Rule 47, the Court must FIND that the circumstances of the case demonstrate that a resolution management conference would not serve the interests of efficiency and set the evidentiary hearing on parenting time/legal decision-making/child support hearing not later than 60 days after the motion is filed. Rule 47(c)(2).
 - c. At SP/D parenting time/legal decision-making hearing:
 - i. Call the SP/D case number only (not the JD). Show the Petitioner, Respondent, and any attorneys appearing in the SP/D matter. Issue parenting time and legal decision-making orders (see III(C)2(d)i-iii below).
 - d. When issuing final parenting time and/or legal decision-making orders, the judge must take into consideration the factors listed in ARS §§ 25-403 and 25.403.09, and make specific findings on the record or in a written order. **Reminder: final parenting time and/or legal decision-making orders must reference ARFLP Rule 78(b) or 78(c) to prevent dismissal.** Specific findings under A.R.S. 25-403 et seq. are not required for issuance of temporary orders, although some basic findings will be helpful to the family law case in considering final orders. *Gutierrez v. Fox*, 242 Ariz. 259 (App. 2017).
 - i. Recommended process when parenting plan includes supervised parenting time: If the court orders any type of supervised parenting time (i.e. relative

or professional), the juvenile court judge should schedule a review hearing in front of the assigned family law judge (through the assigned judge's JAA) within 90 days, unless a later hearing date is appropriate.

- ii. Prior to scheduling a hearing on a downtown division's calendar, contact the division's JAA to obtain a date and time, and ideal to provide parties with hearing date, time, and location on the record.
- iii. Drug test orders: Orders for drug testing must comply with the format and procedures promulgated by the family law division of the Superior Court. Confer with assigned family law division's JAA to ensure appropriate orders completed. See Attachment K: "Averhealth Drug Test Order Information."

D. Following juvenile court's issuance of parenting time and/or legal decision-making orders, must ensure appropriate follow up hearing is set downtown.

1. In all SP cases (whether IV-D or not), when final parenting time and legal decision-making orders are issued and child support has not been addressed, schedule a thirty-minute status hearing to address child support in IV-D division on a date and time approved by the IV-D division's JAA.
 - a. Issue order in SP/D case containing hearing date and ordering parties to appear. If possible, Court shall supply hearing date to parents in open court. Use Attachment J: "Order Setting Child Support Status Hearing."
2. When any parenting time/legal decision-making orders are issued in a D case or temporary parenting time/legal decision-making orders are issued in a SP case, the juvenile judge will schedule a status conference downtown before the assigned family law judge to allow the family law division to schedule a hearing to resolve child support and/or issue final dissolution and/or parenting time orders. The juvenile judge or JAA will contact the family law division's JAA to obtain a status hearing date. **(It is strongly recommended to obtain a date/time from the downtown division in advance of your hearing to provide to the parties in open court.)**
 - a. **NOTE: As a matter of professional courtesy and for calendar management, do not schedule matters on FL or IV-D judge's calendar without approval of date/time in advance through the division's JAA or judge.** The juvenile court's courtroom clerk cannot calendar on AGAVE for any downtown divisions. Therefore, the family law or IV-D division must set the hearing. The juvenile court's courtroom clerk can include the date in the family law minute entry, however.
 - b. Courtroom clerk should obtain current address/email for parties in family law to include in SP/D MEO distribution list so they will receive copies of orders.

- c. Ensure that the courtroom clerk adds the Superior Court Case Management Services office to the distribution list. In EDocs it is under the Agency tab as: Case Management Services – Family Law, or the clerk can add them manually through their email: CSFL@sc.pima.gov

E. Default:

1. If all of the requirements are met for a default judgment (ARFLP Rule 44.1: without a hearing, Rule 44.2: with a hearing), you may order Legal Decision Making, Parenting Time, and Child Support through default. Ensure service has been accomplished on non-appearing parent as required by ARFLP.

Reminder: If the court orders any type of supervised parenting time, see III(C)(2)d(i) above.

2. The Court cannot enter orders for joint legal decision-making in a default hearing unless the respondent has paid the appearance fee and the respondent attended the Domestic Relations Education Class.

IV. CLOSE OUT/UNCONSOLIDATION PROCEDURES:

- A. Include JD Case Reports in the SP/D Case file:** Prior to un-consolidating the cases, the juvenile judge shall order that appropriate reports, such as the Preliminary Protective Hearing (PPH) Report, the Permanency Hearing Report, and the last DCS Progress report be placed under seal in the family law file. This procedure will provide the family law judge access to the reports regarding the previously consolidated juvenile matter so that the family law judge is on similar informational footing as the parents who were involved in the dependency.

1. To file the DCS reports referenced above in the SP/D case, find and order as follows:

- a. In Chambers or bench ruling:

- i. **FIND:** Pursuant to ARS § 8-807(D), the Court has determined a review of the DCS information by the family court judicial officer is necessary to promote the safety and well-being of the minor children involved in this matter.
- ii. **Order:** “It is ordered that the reports considered by this Court from the consolidated case, (name the reports needing to be filed under seal, i.e., the PPH/Permanency/Final Report, etc.) shall be placed

under seal in the SP or D legal file, only to be opened by a judicial officer. There shall be no further dissemination of these reports absent a court order issued by the family court judicial officer in compliance with ARS § 8-807(D).”

- iii. On the MEO ensure that the “Clerk of Court – Exhibits Supervisor” and the “Clerk of Court – Legal Records Supervisor” are on the distribution list. This will ensure the physical documents get to the clerks who are responsible for transferring the physical paperwork to the downtown court.
- iv. Request that the courtroom clerk deliver the reports to either the “Clerk of Court – Exhibits Supervisor” and/or the “Clerk of Court – Legal Records Supervisor” for proper delivery and sealing at the downtown court.

B. Unconsolidation Order:

- 1. Issue any necessary family law/parenting orders in SP/D case **prior to** unconsolidating.
- 2. If counsel was appointed to represent the minor(s) in the family law case, **ORDER** relieving counsel from further responsibility representing the minor(s) in SP/D case Number _____.
- 3. Order the SP/D unconsolidated from the JD case when ready to dismiss the dependency. **“It is ordered un-consolidating case JD# from the SP/D case. The child/ren is/are placed with _____ (mother/father etc.). The dependency is dismissed, counsel for the parents and the minor are relieved of further responsibility in JD#, and it is ordered removing the child/ren from the active computer list.”**

V. Notification of family court of termination of the parental rights of a party.

- A. If a judge in a JD or private severance case terminates the rights of parent(s), and a SP/D case exists and has not been consolidated, consolidate cases, call unscheduled hearing in the SP/D case, and “FIND that on [insert date of termination] another division of this court has terminated the parental rights of [insert name of terminated parent(s)] to [insert name of specific noted child(ren)].” This finding will assist the judge in the family law case should a parent whose rights have been terminated attempt to obtain rights in the family law case. Unconsolidate cases when done.

VI. Clerk’s Office / Document Filing

- A. The Juvenile Court Clerk’s office will accept initial filings to initiate an SP/D, but no follow-up documents will be accepted. The follow-up documents must be filed downtown.

- B. The courtroom clerks will not accept any in-court document filings for SP/D matters.
- C. Only judges are permitted to file the Parenting Plan Order for the SP/D case, and they must do so only through the Clerk's basket in the judicial workroom.
- D. Change of Address forms for SP/D cases will still be accepted in open court by the juvenile courtroom clerks.

VIII. Attachments and Forms:

Attachment A, "When Family Law Orders are Necessary to Dismiss Dependency"

Attachment B, "Order Appointing Attorney/Best Interest Attorney for Minor(s)"

Attachment C, "Acknowledgement of Paternity" (mother married and unmarried)

Attachment D, "Paternity Script"

Attachment E, "Important Notice for Parents of Minor Children"

Attachment F, "Order Vacating Parenting Plan Mediation"

Attachment G, "Parenting Plan Mediation Script"

Attachment H, "Position Statement for Parenting Plan"

Attachment I, "Parenting Plan Order (FLAW Order Template)"

Attachment J, "Order Setting Child Support Status Hearing"

Attachment K, "Averhealth Drug Test Order Information"

Arizona Superior Court in Pima County Online Forms:

Click on links below or go to <https://www.sc.pima.gov/law-library/forms/>

1. [Packet #18: Petition to Establish Paternity](#)
2. [Packet #2: Divorce with Children Petition](#)
3. [Packet #21: Service on the Other Party for Paternity](#)
4. [Packet #10: Service on the Other Party for Dissolution, Legal Separation, and Annulment](#)

5. [Packet #12: Application for Deferral/Waiver Affidavit and Order](#)
 6. [Financial Affidavit- Child Support Only](#)
 7. [Instructions for Financial Affidavit: Child Support Only](#)
 8. [Packet #9: Parenting Plan](#)
-

Attachment A: When Family Law Orders are Necessary to Dismiss Dependency

Arizona cases *Meryl R. v. Dep't of Econ. Sec.*, 196 Ariz. 24 (Ct. App. 1999); an unpublished case *Sofia C. v. Dep't of Child Safety*, No. 2 CA-JV 2015-0084, 2015 WL 5332227 (Ariz. Ct. App. Sept. 14, 2015); and *In re Pima Cty. Juv. Action No. J-77188*, 139 Ariz. 389 (Ct. App. 1983) provide a framework for when family law orders are necessary to dismiss dependency. The guidelines set forth below should be considered within the context of the facts of the particular case and Arizona caselaw.

A. Family Law Orders Necessary

1. Legal Decision-Making (“LDM”) A.R.S. § 25-403 et seq

- a. Current LDM Order in D or SP case gives sole LDM or joint LDM with final say to parent who will not be the primary residential parent after the dependency terminates. Change to sole LDM to other parent or joint LDM to both parents if it appears both parents are able to make major decisions for the minor child(ren).
- b. Current LDM Order in D or SP case gives parties joint LDM and one of the parents is absent or not able properly to make major decisions for minor child(ren). Change to sole LDM to other parent.
- c. There is an open D or SP case in which neither parent has been formally awarded LDM.¹ Give parent who will be exercising primary Parenting Time (“PT”) sole LDM or award both parents joint LDM if it appears both parents are able to make major decisions for the minor child(ren)
- d. The parents are not married, no SP case has been opened, and the parent exercising primary PT is the father. Open SP case, make sure paternity is established by court order, and enter LDM orders in favor of father, either sole LDM or, if feasible, joint LDM

2. Parenting Time (“PT”) A.R.S. § 25-403 et seq

- a. Current PT Order in D or SP case is contrary to the PT arrangement after dependency terminates. Amend PT Order in family case to match post-dependency PT arrangement.
- b. The parents are not married, no SP case has been opened, and the parent exercising primary PT is the father. Open SP case, ensure court order establishing paternity is issued, and enter PT orders to match post-dependency PT orders.

¹ This situation often occurs when there is a IV-D case in which only child support orders have been entered

- c. There is an open D or SP case in which there are no formal PT orders or the PT orders are not specific (e.g. “Parenting time to father as agreed between the parties”). Enter PT orders to match post-dependency PT orders.

3. Child Support

While in a perfect world the Juvenile Court judge would refigure child support, doing so is difficult because evidence relevant to child support is not usually available, the Juvenile Court judge does not have ready access to information on child support arrearages, contract counsel are not supposed to get involved in child support matters, and if there is an open IV-D case, the IV-D division of the Attorney General’s Office has to be involved. Refer child support per protocol to the assigned family law judge if the family law division will also be addressing matters of PT and/or LDM. If child support is only remaining issue after final SP orders have been issued, set on IV-D division calendar as addressed in protocol.

B. Family Law Orders Not Necessary

1. Legal Decision Making

- a. Current LDM Order in SP or D case awards sole LDM or joint LDM with final say to parent who will be exercising primary PT after termination of dependency.
- b. Current LDM Order in SP or D case gives parents joint LDM and the judge determines that despite whatever led to the dependency or the post-dependency PT arrangements, the parent will be able to make major decisions regarding the minor child(ren).
- c. The parents are not married, no SP case has been opened, and the parent exercising primary parenting time after termination of the dependency is mother.

2. Parenting Time.

- a. Current PT Order in SP or D case awards discretion to parent who will be exercising primary PT after termination of dependency to determine other parent’s PT.
- b. The parents are not married, no SP case has been opened, and the parent exercising primary parenting time after termination of the dependency is mother.

C. Special Considerations Regarding Married Parents

Married parents presumptively have joint and several LDM as well as joint and several PT rights. A judge cannot enter LDM or PT orders affecting married parents except in the framework of a Dissolution action. If family law orders are necessary, one of the parents will have to file a Dissolution action. The court cannot, however, order a party to file a Dissolution action in the same manner a court can order a parent to file a Special Paternity Action because ordering a person to file for divorce arguably violates public policy. Thus, if a judge is called upon to terminate a dependency action involving married parents when one of the parents has been non-compliant with services and the compliant parent does not want to file for divorce, the dependency should be terminated only if the judge is persuaded that the parent with whom the child(ren) will reside will adequately protect them from the non-compliant parent.

Attachment B: Order Appointing Attorney/Best Interest Attorney for Minor(s)

Pursuant to A.R.S. Section 25-321 and Rule 10 of the Arizona Rules of Family Law Procedure,

THE COURT FINDS:

1. The best interest of the minor child(**ren**), _____, cannot be adequately **protected** by either of the parties to this action.
2. The appointment of a Minor's Attorney **OR** Best Interest Attorney for the minor child(**ren**) will serve the best interest of the minor child(**ren**).
3. The parties are unable to share in or assume the cost of such appointment without incurring unreasonable financial hardship.

IT IS ORDERED AS FOLLOWS:

1. Appointing _____ Esq. as Minor's Attorney **OR** Best Interest Attorney for the minor child(**ren**) in this matter.
2. The Minor's Attorney **OR** Best Interest Attorney for the minor child(**ren**) shall have access to all of the child(**ren**)'s educational, medical and psychological records.
3. The Clerk of the Court is authorized to make and provide a copy of the file to the Minor's Attorney **OR** Best Interest Attorney at no cost to the attorney.
4. The Minor's Attorney **OR** Best Interest Attorney for the minor child(**ren**) shall be allowed to interview the minor child(**ren**) alone and away from the family residence.
5. There shall be contempt sanctions for anyone who questions the minor child(**ren**) about the child(**ren**)'s interview with the Minor's Attorney **OR** Best Interest Attorney.

Obtain self-represented parties' (or counsel if retained) email addresses in SP/D cases to CC on MEO.

Attachment C: Acknowledgment of Paternity (Unmarried Mother)

(1) Person Filing: _____

Mailing Address: _____

City, State, Zip Code: _____

Daytime Phone: _____

Evening Phone: _____

Representing: Self Petitioner Respondent

State Bar Number (if applicable) _____

ARIZONA SUPERIOR COURT, COUNTY OF PIMA

(2) _____
Person Filing

(3) Case No. _____

ATLAS No. _____

Other Parent

**VOLUNTARY PETITION FOR
ORDER OF PATERNITY
A.R.S. § 25-812**

The Clerk is requested to issue an order establishing paternity for the following child(ren):

(4) Full Name on Birth Certificate Date of Birth Place of Birth (City, County, State, and Country)

The natural mother of the child[ren] was not married when the child[ren] was born or at any time throughout the 10 months immediately preceding such birth.

(5) This petition is based on, (Check one box only)

Affidavit of Acknowledgement: By signing this, we agree and acknowledge that _____ is the natural father of the child(ren) named above.

Genetic Testing and Laboratory Affidavit: Attached is an affidavit from a certified laboratory indicating that _____ has not been excluded as the natural father of the child(ren) and we agree to be bound by the results of this genetic test.

Case No. _____

Both parties must sign this form or an attached notarized affidavit to change a child(ren)'s name

(6) The parents request the Office of Vital Records amend the birth certificate(s) to change the child(ren)'s name(s) from: _____ to: _____

(7) The following information is required:

Mother's Full Name

Date of Birth

Mother's Maiden Name

Mother's Address

Father's Full Name

Date of Birth

Place of Birth (City, County, State, and Country)

Father's Address

**IMPORTANT NOTICE READ
THIS BEFORE YOU SIGN**

Arizona state law requires that before voluntarily acknowledging paternity, you be given notice of the alternatives to, the legal consequences of and the rights and responsibilities that result. Here are some of the things you should know.

- No one is required to voluntarily acknowledge paternity
- You have the right to seek legal advice before signing this document
- If you are unsure who the father is, an alternative is to have genetic testing done.

After you have agreed to voluntarily acknowledge paternity, the Clerk of the Court or authorized court personnel will issue an order legally establishing the father. This Order is the same as a judgment of the Superior Court. After the Order is issued, both parents will have all the rights and responsibilities of parents as required under Arizona Law. This Order does not decide issues about child support, parenting time or legal decision-making. However, the Order includes a statement of Arizona Law that the parent with whom the child has resided for the greater part of the last 6 months shall have legal decision-making, unless otherwise ordered by the Court.

Arizona Law allows either parent to rescind the acknowledgment of paternity if certain requirements are met. You may have up to 60 days to do this. See § 25-812(H) of the Arizona Revised Statutes.

Do not sign this form until you are before the Clerk of the Superior Court or Notary Public.

I swear or affirm that the information in this Voluntary Petition for Order of Paternity is true and correct to the best of my knowledge and belief.

Date

Mother's Signature

State of Arizona)
) §

Subscribed and sworn to or affirmed
before on:

County of _____)

My Commission Expires:

Clerk of the Superior Court or Notary Public

Case No. _____

I swear or affirm that the information in this voluntary petition for Order of Paternity is true and correct to the best of my knowledge and belief.

Date

Father's Signature

State of Arizona)
) §

Subscribed and sworn to or affirmed
before on:

County of _____)

My Commission Expires:

Clerk of the Superior Court or Notary Public

Copy mailed on: _____

[] Petitioner

[] Respondent

Acknowledgment of Paternity (Married Mother)

(1) Person Filing: _____

Mailing Address: _____

City, State, Zip Code: _____

Daytime Phone: _____

Evening Phone: _____

Representing: Self Petitioner Respondent

State Bar Number (if applicable) _____

ARIZONA SUPERIOR COURT, COUNTY OF PIMA

(2) _____

Person Filing

Other Parent

(3) Case No. _____

ATLAS No. _____

**VOLUNTARY PETITION FOR
ORDER OF PATERNITY**

(With Affidavit of Legally Presumed
Father)

A.R.S. § 25-812

The Clerk is requested to issue an order establishing paternity for the following child(ren):

(4) Full Name on Birth Certificate Date of Birth Place of Birth (City, County, State, and Country)

_____	_____	_____
_____	_____	_____
_____	_____	_____

The natural mother of the above named child(ren) was married at the time the child(ren) was born, at a time throughout the 10 months immediately preceding such birth or the child(ren) was born during the 10 months after the marriage was legally terminated.

Attached is the legally presumed father's acknowledgement stating he is not the natural father of the minor child(ren).

(5) This petition is based on; (Check one box only)

Affidavit of Acknowledgement: By signing this, we agree and acknowledge that _____ is the natural father of the child(ren) named above.

Case No. _____

Genetic Testing and Laboratory Affidavit: Attached is an affidavit from a certified laboratory indicating that _____ has not been excluded as the natural father of the child(ren) and we agree to be bound by the results of this genetic test.

Both parties must sign this form or an attached notarized affidavit to change a child(ren)'s name

(6) The parents request the Office of Vital Records amend the birth certificate(s) to change the child(ren)'s name(s) from: _____ to: _____

(7) The following information is required:

Mother's Full Name

Date of Birth

Mother's Maiden Name

Mother's Address

Father's Full Name

Date of Birth

Place of Birth (City, County, State, and Country)

Father's Address

Case No. _____

I swear or affirm that the information in this voluntary petition for Order of Paternity is true and correct to the best of my knowledge and belief.

Date

Father's Signature

State of Arizona)
) §

Subscribed and sworn to or affirmed
before on:

County of _____)

My Commission Expires:

Clerk of the Superior Court or Notary Public

Copy mailed on: _____

[] Petitioner

[] Respondent

Attachment D: Paternity Script

Source: A.R.S. §§ 25-801, 25-802, 25-803, 25-804, 25-805, 25-806, 25-807, 25-809

BURDEN OF PROOF: Clear and Convincing

DETERMINE JURISDICTION:

1. Ensure consistent with Uniform Child Custody Jurisdiction and Enforcement Act
2. Service by publication as permitted by Rules. (Rules 41(m) Ariz. R. Fam. Law Pro.)

RECEIVE EVIDENCE:

1. Swear in the parents.
2. General/biographical information
 - a. Dates of birth mother, father, and child(ren)
 - b. Address(es) of mother and father
 - c. The birthplace of the child(ren)
3. Factual basis for paternity
 - a. During probable period of conception, mother engaged in sexual intercourse with alleged father, resulting in conception and birth of child;

OR

- b. Father's name appears on birth certificate;

OR

DNA testing indicate that the likelihood of the alleged father's paternity is 95% or greater.

FINDINGS AND ORDER

"THE COURT FINDS by clear and convincing evidence that the respondent, _____, is the natural father of _____, born _____.

IT IS ORDERED that _____ is adjudicated to be the father of the minor child(ren) _____, born _____.

IT IS FURTHER ORDERED that the Arizona Department of Health Services Office of Vital records amend the birth certificate of the child(ren) to reflect the foregoing establishment of paternity."

Attachment E

IMPORTANT NOTICE FOR PARENTS OF MINOR CHILDREN

You are required to complete a course in Domestic Relations Education on Children's Issues (Parent Education), if you have filed an action for Dissolution of Marriage, Annulment, Legal Separation or certain Paternity/Maternity or post-decree actions if you have natural or adopted minor children with the other party. Unless otherwise ordered by a Judicial Officer, you must attend the course within 45 days of filing a petition, being served with a petition or attending a hearing on your case.

**REGISTER IMMEDIATELY TO COMPLY WITH THE
45 DAY COMPLETION REQUIREMENT. CLASSES FILL UP QUICKLY!
ONLINE CLASSES ARE NOT ACCEPTED UNLESS ORDERED BY YOUR ASSIGNED JUDGE.
*30 DAY COMPLETION REQUIREMENT FOR JUVENILE COURT CASES.**

The course is required by A.R.S. §25-351 to help educate parents about the impact of divorce, family reorganization and family litigation on adults and children. It provides useful information to help minimize harmful effects for your children during a difficult time for you and for them. The petitioner in the divorce action must complete the course in order to finalize the case.

INFORMATION ABOUT PAYMENT FOR THE COURSE:

Cost: The course fee is \$45 (as of April 1, 2017) per person. If you are filing a Petition for Dissolution of Marriage, Annulment, Legal Separation of Marriage, or for Paternity/Maternity the course fee is included in the initial filing fee. If you are filing a Response to a Petition for Dissolution of Marriage, Annulment, Legal Separation of Marriage, or for Paternity/Maternity the course fee is included in the initial Response fee. If you are filing a Post-Decree action and have never paid the course fee, you will be required to do so. If you have requested that your filing fees be deferred or waived, you may request that the course fee also be deferred or waived. You may pay in any of the following ways:

Pay in Person: The fee may be paid at the Clerk of the Court, 110 W. Congress, Tucson, AZ. You may pay by cash, check, money order, cashier's check, Visa, MasterCard or debit card. You will receive a receipt number at that time. The Clerk's office is open between 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal holidays.

Pay by Mail: The fee may be mailed to the Clerk of the Court, by check, money order or cashier's check. You must include your Court case number and indicate that the payment is for the parent education course. Enclose a self-addressed, stamped envelope in order to have the receipt mailed to you. Do not mail cash.

Pay by telephone: Call 724-3210 between 8:00 a.m. and 4:00 p.m. Monday through Friday (except on legal holidays) to provide your Visa card or MasterCard number. You will need to provide your court case number and request your receipt be mailed to you.

Registration: You may register for the course on the internet at www.sc.pima.gov/fccc/parented or call the Conciliation Court parent education line at 520-724-4949 during regular business hours (except legal holidays). **You must have your Court case number and your parent education fee receipt number in order to register.**

Special Needs: If you need special accommodations such as auxiliary aids or materials in alternative formats for your attendance due to language needs other than Spanish or due to a disability, call the Conciliation Court Parent Education line at 520-724-4949.

Changing a Class: To change a class after registering, you must call the Conciliation Court at 520-724-4949 and re-register. You cannot change classes through the internet registration. There is no charge to change the class.

ABOUT THE CLASS

- Bring a pen, a photo ID, your Court Case Number, and your Clerk of the Court fee payment receipt to your scheduled class. You will not receive your certificate of completion without showing your photo ID and the Clerk of the Court fee payment receipt.
- Arrive for the class prior to the start time. Late arrivals will not be admitted and will be required to register for a different class. The class lasts approximately 3½ hours. You must attend the entire class to receive a completion certificate. Bring a sweater or jacket as the classroom may be cold.
- Parties involved in the same case must attend separate classes. No children are allowed in the class.

AVISO IMPORTANTE PARA PADRES DE HIJOS MENORES

Si ha registrado una demanda de divorcio, anulación de matrimonio, separación legal o ciertos casos de paternidad o maternidad o decretos posteriores a fallos jurídicos, y si tiene hijos menores, biológicos o adoptados en común con la otra parte, deberá completar el curso educativo sobre temas de menores (curso educativo para padres). A menos que el juez emita una orden distinta, tendrá que completar el curso dentro de 45 días de haber registrado la petición o de haber recibido notificación de alguna petición o de alguna audiencia relacionada a su caso.

REGÍSTRESE DE INMEDIATO PARA CUMPLIR CON EL REQUISITO DE COMPLETAR EL CURSO DENTRO DE 45 DÍAS. ¡LAS CLASES SE LLENAN PRONTO! NO SE ACEPTARÁ EL TOMAR LAS CLASES EN LINEA A NO SER QUE EL JUEZ ASIGNADO A SU CASO ASÍ LO ORDENE.

PARA LOS CASOS DEL TRIBUNAL DE MENORES SE REQUIERE COMPLETAR EL CURSO DENTRO DE TREINTA DÍAS.

El curso educativo es obligatorio conforme a los estatutos A.R.S. §25-351 de las leyes de Arizona para ayudar a los padres con información acerca de los efectos que tiene el divorcio, la reorganización familiar o el litigio familiar en los menores.

INFORMACIÓN DE OPCIONES DE PAGO PARA EL CURSO:

Costo: La tarifa del curso educativo es \$45.00 (a partir de 1 abril, 2017) por persona. Si registró una demanda de divorcio, anulación de matrimonio, separación legal o de paternidad/maternidad el costo del curso ya está incluido en la cuota inicial al registrar su petición. Si registró una contestación a la demanda de divorcio, anulación de matrimonio, separación legal o de paternidad/maternidad el costo del curso ya está incluido en la cuota inicial al registrar su contestación. Tendrá que pagar si registra una acción posterior al decreto y si nunca pagó por el curso educativo. Si solicitó un aplazamiento o exención de costos de registración, también podrá solicitar un aplazamiento o exención por el costo del curso educativo. Podrá pagar de cualquiera de las siguientes opciones:

Pagar en persona: Podrá pagar la cuota en la secretaría del tribunal, 110 W. Congress, Tucson, AZ. Podrá pagar en efectivo, por cheque, giro postal, cheque de caja, tarjeta de crédito Visa o Mastercard, o tarjeta de débito. Al pagar le darán el número de recibo. Las horas hábiles del tribunal son de 8:00 a.m. a 5:00 p.m., de lunes a viernes, salvo días feriados.

Pagar por correo: Podrá enviar su pago por correo a la secretaría del tribunal por cheque, giro postal o cheque de caja. Deberá incluir su número de caso e indicar que el pago es para el curso educativo sobre temas de menores. Incluya un sobre con estampilla y su dirección para que le envíen su recibo por correo. No envíe dinero.

Pagar por teléfono: Llame al 724-3210 entre las 8:00 a.m. y las 4:00 p.m. de lunes a viernes (excepto los días feriados) para pagar con su tarjeta de crédito Visa o Mastercard. Deberá proporcionar el número de su caso al tribunal superior y pedir que le envíen su recibo por correo.

Inscripción: Podrá inscribirse para el curso por internet en www.sc.pima.gov/fccc/parented o llamando a la línea telefónica educativa para padres de la corte de conciliación al (520) 724-4949 durante las horas hábiles (salvo días feriados). Para poder registrarse necesitará el número de su caso del tribunal y el número de su recibo por el pago del curso educativo sobre temas de menores.

Necesidades especiales: Si para asistir necesita alguna acomodación especial, por ejemplo equipo auxiliar o materiales en formatos especiales a causa de un idioma diferente al español, o por cuestión de discapacidad, llame a la línea telefónica educativa para padres de la corte de conciliación al (520) 724-4949.

Cambiar de clase: Si después de inscribirse necesita cambiar la clase, deberá llamar a la corte de conciliación al 520-724-4949 e inscribirse de nuevo. No podrá cambiar de clase a través del internet. No hay costo alguno por cambiar de clase.

INFORMACIÓN DE LA CLASE

- Debe traer una pluma, una cédula de identificación fotográfica, su número de caso del tribunal y su recibo de la secretaria del tribunal por el pago de la clase programada. No podrá recibir su certificado de cumplimiento si no presenta su cédula de identificación fotográfica y su recibo de pago de la secretaria del tribunal.
- Debe llegar a la clase poco antes de la hora de empezar. Si llega tarde no se le permitirá tomar la clase y tendrá que inscribirse para otra clase. La clase dura aproximadamente 3 ½ horas. Para poder obtener el certificado de cumplimiento tendrá que asistir a toda la clase. Traiga consigo un suéter o saco ya que los salones de clases pueden estar fríos.
- Las partes involucradas en el mismo caso deberán tomar clases por separado. No se permiten niños en la clase.

Attachment F: Order Vacating Parenting Plan Mediation

ARIZONA SUPERIOR COURT, PIMA COUNTY

IN THE MATTER OF:

CASE NO. JD

DATE:

**ORDER VACATING PARENTING PLAN
MEDIATION**

HON.

Neither parent having completed the required Domestic Relations Education class,

IT IS ORDERED vacating the Parenting Plan Mediation set on _____

The parents are directed to call Conciliation Court at 520-724-5590 to register for the Domestic Relations Education Class.

When the parent with whom the child(ren) has been placed has completed the required Domestic Relations Education Class, the parties may request a mediation session be reset by completing a self-referral mediation form or by making a request at the next court hearing. Please provide certificates of completion of the Domestic Relations Education Class when requesting a mediation session.

DATED this _____ day of _____, 20____.

HON.

cc:
Honorable
Juvenile Court Mediation Program
D.C.S. Caseworker:
Dependency Unit/Data Personnel
Assistant Attorney General
Attorney for Mother
Attorney for Father
Attorney for Minor

Attachment G: Parenting Plan Mediation Script

Mediation Scheduling

IT IS ORDERED the matter is set on _____ at _____ a.m./p.m. for 120 minutes (*consider longer if complex, interpreter needed, or incarcerated parent*) before MEDIATOR _____ for a Parenting Plan Mediation. For post-dependency adjudication Parenting Plan Mediations, set **no earlier than sixty days** from date of hearing if either/both parents need to complete the Domestic Relations Education Class. Reminder: Counsel ordered to provide services to assist the parents with resolution of the family law matter **do not** attend mediation unless both agree to do so.

IT IS ORDERED the Department and Minor's counsel or Best Interest Attorney will submit position statements to the Mediation Program **no later than five (5) days before the Parenting Plan Mediation**. These statements are not to be filed with the Clerk of the Court. The law clerk/bailiff shall provide the position statement to appropriate counsel.

Domestic Relations Education Class

The Court takes notice that both parents have completed the Domestic Relations Education Class.

The Court takes notice that parent _____ has completed the Domestic Relations Education Class and parent _____ has not completed the course. IT IS ORDERED that parent _____ complete the Domestic Relations Education Class within 30 days of today's hearing.

Neither parent having completed the Domestic Relations Education Class, IT IS ORDERED that both parents must complete the Domestic Relations Education Class within 30 days of today's hearing.

The Court ORDERS the parent(s) to call (520)724-5590 to schedule the Domestic Relations Education Class. The Court reminds the parents they will need to have the receipt number for payment of the class fee or or the receipt number accompanying the Order deferring/waiving the DREC class fee in order to register. If the judge grants the fee waiver or deferral at a hearing and it is only referenced in a Minute Entry Order, the parent will need to take that Minute Entry Order to the Clerk of the Court's Office in Superior Court at 110 W. Congress Avenue, Tucson, AZ 85701 and have a receipt generated.

For post-dependency adjudication Parenting Plan Mediations only: IT IS FURTHER ORDERED a 15 minute Non-Appearance Status Hearing is set (*approximately five days after DREC completion deadline*) on _____ at _____ a.m./p.m before HON. _____, Division _____. At the Non-Appearance Status Hearing the judge will review parents' compliance with the Domestic Relations Education Class. If neither parent complies with the required Domestic Relations Education Class, the Parenting Plan Mediation will be vacated. If the parent with whom the child has been placed completes the Domestic Relations Education Class, the Parenting Plan Mediation will be affirmed.

Ensure MEO copied to Juvenile Court Mediation Program

Attachment H: Position Statement for Parenting Plan Mediation

Family Name: _____ Case Number: JD _____
Date of Session: _____ Mediator: _____
Position from DCS; Child/ren’s Counsel; Other _____

Domestic Violence Concerns? Yes No Please specify other safety issues for mediation participation: _____

I. Legal Decision-Making:

A. MAJOR decisions in the areas of **non-emergency medical/health care; education; religious upbringing; and personal care.** (Please note – each area can be a different choice – see section (B), below.)

- Joint
 Sole Mother Sole Father If Sole to one parent, Ok to Confer with the other parent?

OR

B. There can be a difference in some areas for LDM. If so, please clearly indicate:

- 1) In which area(s); and
2) What those differences can be.

C. Additional information you want parties to know about Legal Decision-Making?

II. Parenting Time:

- Shared Primary with Mother Primary with Father No Position
 Supervision needed for Mother Supervision needed for Father

Who may (or may NOT) supervise? _____

Additional information you want parties to know about Parenting Time? _____

Any specific safety issues for either parent that should be addressed in the Parenting Plan?

- Drug testing Mother Drug testing Father
 Other (please specify the issue and for whom) _____

III. Confidential Information for Mediator only (NOT to be shared with anyone else):

Attachment I

ARIZONA SUPERIOR COURT, PIMA COUNTY

CASE NO. SP/D

XXXXXXXXXXXXXX

Petitioner

FINAL ORDER RE: MEMORANDUM OF UNDERSTANDING ESTABLISHING PATERNITY and PARENTING PLAN AGREEMENT

and

XXXXXXXXXXXXXX

Respondent

ASSIGNED TO: FLAW JUDGE

The Court has received and reviewed the Memorandum of Understanding Establishing Parenting Plan submitted by the court mediator and signed by the parties on: XXX.

The Court has received and reviewed the Stipulation for Order of Paternity submitted by the court mediator and signed by the parties on: XXX.

The Court finds that Arizona is the state with jurisdiction to hear and determine matters regarding legal decision-making and/or parenting time, in that:

- 1. Arizona is the home state of the child(ren) on the date of the commencement of the proceeding, or was the home state of the child(ren) within six months before the commencement of the proceeding and the child(ren) is(are) absent from this state but a parent or person acting as a parent continues to live in this state.
2. No other state has jurisdiction and/or has declined jurisdiction of legal decision-making and/or parenting time matters.
3. The Indian Child Welfare Act is applicable is not applicable.
4. The Parental Kidnapping Prevention Act does not apply.
5. No applicable international law concerning the abduction or removal of children applies.

THE COURT FINDS (father's) paternity to the child(ren) has been established through an order dated . OR

THE COURT FINDS, pursuant to A.R.S. Section 25-814 A(4), that no other man is presumed to be the child(ren)'s father through marriage, genetic testing, birth certificate, or acknowledgement, and that the parties stipulate to the paternity of to the child(ren) though the notarized Stipulation for Order of Paternity signed by the parties on and filed with the court on .

THE COURT FINDS by clear and convincing evidence that is the natural father of the minor child(ren), born / / ; , born / / ; , born / / ; and , born / / .

F O R M

IT IS ORDERED that _____ is adjudicated to be the father of the minor child(ren) _____, born / / ; _____, born / / ; _____, born / / ; and _____, born / / .

IT IS FURTHER ORDERED that Arizona Department of Health Services Office of Vital Records amend the birth certificate of the child(ren) to reflect the forgoing establishment of paternity.

IT IS ORDERED that the parenting plan is approved and incorporated by this reference. The parties shall comply with the terms of the Memorandum of Understanding Establishing Parenting Plan.

IT IS ORDERED that the Memorandum of Understanding Establishing Parenting Plan is not approved by the Court.

IT IS ORDERED that the determination regarding approval of the parenting plan is deferred to the time of the next court hearing in the consolidated matter.

IT IS ORDERED this is a final judgment and the court expressly determines there is no just reason for delay despite the fact that fewer than all claims are resolved pursuant to 17B A.R.S. Rules Fam. Law Proc., Rule 78(b). The following issue(s) remain unresolved: _____. **IT IS ORDERED** a status **OR** evidentiary hearing is set on _____, 2022 at _____ a.m./p.m. in front of the Hon. _____ to address unresolved issue of: child support and/or _____.

OR

IT IS ORDERED that no further matters remain pending and this judgment is entered under 17B A.R.S. Rules Fam. Law Proc., Rule 78(c).

IT IS FURTHER ORDERED: _____

Dated: _____

Judicial Officer

- Copy to:
- Honorable
- Petitioner
- Respondent
- Atty for Petitioner
- Atty for Respondent

Attachment J: Order Setting Child Support Status Hearing

This Court has issued parenting time orders, and therefore, pursuant to A.R.S. Section 25-403.09, sets the matter for a status hearing to address resolution of child support.

If IV-D or if child support is only remaining issue in SP case: The Court schedules a status hearing to address scheduling a child support hearing before the Honorable _____, in IV-D division on _____, 202__ at ____ a.m./p.m for _____ minutes.

Both parties **SHALL APPEAR** for the scheduled hearing by calling the teams conference number _____, conference code _____ at the time of the hearing. **If a party fails to appear, the Court can proceed with the child support hearing in their absence.**

At the status hearing, the Court will schedule the final child support hearing, can provide additional information about the child support issues to be addressed at the hearing, and will address questions you have. You may represent yourself at the hearing, you may retain private counsel, or you may request the services of the Arizona Department of Economic Security, Division of Child Support Services (602)252-4045.

TO CALCULATE CHILD SUPPORT, THE COURT WILL NEED THE FOLLOWING INFORMATION, at a minimum: each parent's current fully completed child support financial affidavit (available at www.sc.pima.gov/law-library/forms/ go to family law, then for all case matters, "Financial Affidavit – Child Support Only"), their last four pay stubs and proof of income for any other source year-to-date, proof of all medical, dental, and vision insurance premiums paid by the party for any child subject to the child support order, and proof of any current daycare expenses to the other party. Please begin gathering these documents. You may represent yourself at the hearing, you may retain private counsel, or you may request the services of the Arizona Department of Economic Security, Division of Child Support Services (602)252-4045.

Ensure current addresses for both parents are obtained.

cc both parents and assigned family law division and/or IV-D division.

cc: Clerk's Office, Child Support Division

Attachment K: Averhealth Drug Test Order Information.

Procedure when juvenile court judge issues **ongoing** drug testing in a consolidated family law case:

1. Juvenile court judge drafts the Averhealth drug testing order in Edocs. Obtain from family law (hereinafter “FL”) division.
2. Juvenile court JAA needs to communicate with the FL JAA to ensure appropriate information is entered into Averhealth system (**FL JAAs have access to Averhealth system, juvenile court JAAs do not have access**).
3. Juvenile court JAA will process drug testing order through Edocs and send to clerk.
4. Juvenile court judge and/or juvenile court JAA needs to obtain email addresses for FL parties and/or FL counsel to include on bottom of page two of drug testing order so that Averhealth can directly send that information to the party and/or counsel.
5. Each FL Division has an annual limited expedited fund budget. Because budget is allocated by family law division, **any expenditure by a juvenile judge requires advance collaboration with and approval by the family law division. In other words, don’t check the expedited fund box for payment of drug testing expenses unless approved by the assigned FL judge.**
6. Prior to unconsolidation, consider whether necessary to have juvenile court JAA confer with FL JAA to schedule a review hearing in assigned FL division to review status of drug testing results. Ensure parties receive notice of the review hearing (ideal to do in court when parties present, if possible.)